

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT TO PENNSYLVANIA

EDWARD JOSEPH MCNATT
Petitioner

vs.

JUDGE OLIVER J. LOBAUGH
Respondent

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:
:
: C.A. No. 05-128 Erie
:
:
:

MOTION FOR EXTENSION OF TIME IN WHICH TO FILE RESPONSE

AND, now the 2nd day of August, 2005, comes the Respondent, the Commonwealth, to request an extension of time in which to file a Response and in support thereof represents as follows:

1. On June 3, 2005, this Court ordered the District Attorney of Venango County, Pennsylvania, to respond to the allegations in the Petition for Writ of Habeas Corpus, within twenty days of service of the order. The order was received by the District Attorney's office on June 9, 2005.
2. A motion for extension was filed for C.A. No. 05-124 on June 28, 2005. The Commonwealth inadvertently did not include C.A. No. 05-128 to the extension request although both cases address the same defendant with the same cases in the Common Pleas Court of Venango County (see attached Exhibit A).

3. The attorney for the Commonwealth has not had adequate time to prepare a response in this case due to the recent trial term and other briefs that were also due.
4. The case is important to the Commonwealth and the attorney for the Respondent believes that an extension for filing the response will be necessary in order to adequately address the issues raised.

Wherefore, the Attorney for the Respondent respectfully requests that this Honorable Court grant an extension on this case to make the deadline for the filing of said response August 3, 2005, to coincide with the filing for C.A. No. 05-128.

Respectfully submitted,



Maria Battista Kerle
Assistant District Attorney
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PROOF OF SERVICE

I hereby certify that I am this day serving the foregoing document upon the person and in the manner indicated below which service satisfies the requirements of PA.R.A.P. 121;

Service by first class mail addressed as follows:

Honorable Susan Paradise Baxter
U.S. Magistrate Judge
U.S. District Court
USPO & Courthouse
617 State Street
Erie, PA 16501

Service by first class mail addressed as follows:

Edward Joseph McNatt #DL-6772
SCI-Houtzdale
P. O. Box 1000
Houtzdale, PA 16698

DATED: August 2, 2005



Maria Battista Kerle
Assistant District Attorney